IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 668 OF 1995

Premji V. Thakkar & Ors. ..Appellants

versus

Nirwan T. Khatau & Ors. ..Respondents

Mr. H.V. Gala i/b. H. V. Gala & Co. for the Appellants.

None for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 20TH APRIL,2005

ORAL ORDER :

1. Heard Mr. Gala for the Appellants. Nobody is present for the respondents even though the matter was adjourned for them many times.

2. Appellants are challenging the order dated 31.3.1995 passed by the Addl. Principal Judge, City Civil Court, Bombay, dismissing the Charity Application. In fact from the Trust Deed which is Exhibit 'B' of this Appeal, it is clear that the appellants trust has never and nowhere tried to assert any right in the properties of the temple trust Shree Balrajeshwar Mahadeo Bhakta Mandal,

Mulund (West). They have no intention to do so and the very objects of the Trust are to act subject to the provisions and permission of the Registered Temple Trust, therefore, there is no conflict between the appellants trust and the temple trust. If some devotees come together and decide to render assistance in the manner it was depicted by Exhibit 'B', then there should be no objection by anybody and the order of the Charity Commissioner De-Registering the Trust and consequent order of the City Civil Court both are bad in law and are therefore quashed and set aside. Appeal is allowed to that extent only. No order as to costs. Appeal disposed of accordingly.

20.04.2005 (D.G. DESHPANDE, J.)